

**Introduced by Senator Nielsen**

February 22, 2013

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An act to amend Sections 3000, 3000.08, 3044, and 3451 of, and to add Sections 3064.5 and 3069.7 to, the Penal Code, relating to parole.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 710, as introduced, Nielsen. Parole.

(1) Existing law requires that all persons released from prison on and after October 1, 2011, after serving a prison term for a felony, be subject to postrelease community supervision provided by a county agency for a period of 3 years immediately following release, except for persons released after serving a term for a serious felony, a violent felony, an offense for which the person was sentenced pursuant to the three strikes law, a crime where the person is classified as a high risk sex offender, or a crime where the person is required to undergo treatment by the State Department of State Hospitals because the person has a severe mental disorder. Existing law requires these persons to be subject to parole supervision by the Department of Corrections and Rehabilitation following release from state prison.

This bill would require all offenders released from prison on and after January 1, 2014, to be subject to parole supervision by the Department of Corrections and Rehabilitation and the Board of Parole Hearings for a minimum period of 3 years. The bill would require the board to have exclusive jurisdiction over the supervision and revocation of parole of all inmates upon their release from prison. For crimes committed on or after January 1, 2014, the bill would set the period of parole not to exceed 5 years and not less than 3 years in the case of an inmate imprisoned for any offense other than first or 2nd degree murder for which the inmate has received a life sentence, and would set a parole

period not to exceed 4 years and not less than 3 years in the case of any other inmate. The bill would prohibit a person from being discharged from parole without first completing 12 consecutive months of supervision without a parole violation or arrest on new criminal charges, and would provide that no person may be discharged from parole while incarcerated or if his or her whereabouts are unknown. The bill would make the provisions on postrelease supervision applicable only to persons released from prison prior to January 1, 2014. The bill would make conforming changes.

The bill would require the Department of Corrections and Rehabilitation to develop a minimum of 3 parole violator adjustment and rehabilitation facilities. The bill would require that parolees who violate the conditions of parole shall be sentenced to up to one year in a facility. For violations that are drug related, but do not involve an offense that could be charged as a violent or serious crime or that would require registration as a sex offender, the bill would require the violation to be served in a facility for at least 6 months. All other parole violations would result in the parolee serving the rest of his or her term in the facility on revoked status. The bill would require a treatment and programming plan to be developed for each parole violator.

(2) Existing law, the Victims' Bill of Rights Act of 2008: Marsy's Law, as added by Proposition 9 at the November 4, 2008, statewide general election, provides that the Board of Parole Hearings or its successor in interest shall be the state's parole authority and shall be responsible for protecting victims' rights in the parole process. Existing law requires the board to enjoy sufficient autonomy to conduct unbiased hearings and maintain an independent legal and administrative staff. Proposition 9 provides that the Legislature may amend its provisions by a majority vote to expand the scope of their application, to recognize additional rights of victims of crime, or to further the rights of victims of crime.

This bill would also require the board to enjoy sufficient autonomy to protect the rights of crime victims.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3000 of the Penal Code is amended to  
2 read:

1     3000. (a) (1) The Legislature finds and declares that the period  
2 immediately following incarceration is critical to successful  
3 reintegration of the offender into society and to positive citizenship.  
4 It is in the interest of public safety for the state to provide for the  
5 effective supervision of and surveillance of parolees, including  
6 the judicious use of revocation actions, and to provide educational,  
7 vocational, family and personal counseling necessary to assist  
8 parolees in the transition between imprisonment and discharge. A  
9 sentence resulting in imprisonment in the state prison pursuant to  
10 Section 1168 or 1170 shall include a period of parole supervision  
11 or postrelease community supervision, unless waived, or as  
12 otherwise provided in this article.

13     (2) The Legislature finds and declares that it is not the intent of  
14 this section to diminish resources allocated to the Department of  
15 Corrections and Rehabilitation for parole functions for which the  
16 department is responsible. It is also not the intent of this section  
17 to diminish the resources allocated to the Board of Parole Hearings  
18 to execute its duties with respect to parole functions for which the  
19 board is responsible.

20     (3) The Legislature finds and declares that diligent effort must  
21 be made to ensure that parolees are held accountable for their  
22 criminal behavior, including, but not limited to, the satisfaction of  
23 restitution fines and orders.

24     (4) For any person subject to a sexually violent predator  
25 proceeding pursuant to Article 4 (commencing with Section 6600)  
26 of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions  
27 Code, an order issued by a judge pursuant to Section 6601.5 of the  
28 Welfare and Institutions Code, finding that the petition, on its face,  
29 supports a finding of probable cause to believe that the individual  
30 named in the petition is likely to engage in sexually violent  
31 predatory criminal behavior upon his or her release, shall toll the  
32 period of parole of that person, from the date that person is released  
33 by the Department of Corrections and Rehabilitation as follows:

34     (A) If the person is committed to the State Department of Mental  
35 Health as a sexually violent predator and subsequently a court  
36 orders that the person be unconditionally discharged, the parole  
37 period shall be tolled until the date the judge enters the order  
38 unconditionally discharging that person.

39     (B) If the person is not committed to the State Department of  
40 Mental Health as a sexually violent predator, the tolling of the

1 parole period shall be abrogated and the parole period shall be  
2 deemed to have commenced on the date of release from the  
3 Department of Corrections and Rehabilitation.

4 (5) Paragraph (4) applies to persons released by the Department  
5 of Corrections and Rehabilitation on or after January 1, 2012.  
6 Persons released by the Department of Corrections and  
7 Rehabilitation prior to January 1, 2012, shall continue to be subject  
8 to the law governing the tolling of parole in effect on December  
9 31, 2011.

10 (b) Notwithstanding any provision to the contrary in Article 3  
11 (commencing with Section 3040) of this chapter, the following  
12 shall apply to any inmate subject to Section 3000.08:

13 (1) (A) In the case of any inmate sentenced under Section 1168  
14 for a crime committed prior to July 1, 2013, the period of parole  
15 shall not exceed five years in the case of an inmate imprisoned for  
16 any offense other than first or second degree murder for which the  
17 inmate has received a life sentence, and shall not exceed three  
18 years in the case of any other inmate, unless in either case the  
19 Board of Parole Hearings for good cause waives parole and  
20 discharges the inmate from custody of the department. This  
21 subdivision shall also be applicable to inmates who committed  
22 crimes prior to July 1, 1977, to the extent specified in Section  
23 1170.2. In the case of any inmate sentenced under Section 1168  
24 for a crime committed on or after July 1, 2013, the period of parole  
25 shall not exceed five years in the case of an inmate imprisoned for  
26 any offense other than first or second degree murder for which the  
27 inmate has received a life sentence, and shall not exceed three  
28 years in the case of any other inmate, unless in either case the  
29 department for good cause waives parole and discharges the inmate  
30 from custody of the department.

31 (B) *In the case of any inmate sentenced under Section 1168 for*  
32 *a crime committed on or after January 1, 2014, the period of*  
33 *parole, except as provided in Section 3064.5, shall not exceed five*  
34 *years and shall not be less than three years in the case of an inmate*  
35 *imprisoned for any offense other than first or second degree murder*  
36 *for which the inmate has received a life sentence, and, except as*  
37 *provided in Section 3064.5, shall not exceed four years, or be less*  
38 *than three years, in the case of any other inmate.*

39 (2) (A) (i) For a crime committed prior to July 1, 2013, at the  
40 expiration of a term of imprisonment of one year and one day, or

1 a term of imprisonment imposed pursuant to Section 1170 or at  
2 the expiration of a term reduced pursuant to Section 2931 or 2933,  
3 if applicable, the inmate shall be released on parole for a period  
4 not exceeding three years, except that any inmate sentenced for  
5 an offense specified in paragraph (3), (4), (5), (6), (11), or (18) of  
6 subdivision (c) of Section 667.5 shall be released on parole for a  
7 period not exceeding 10 years, unless a longer period of parole is  
8 specified in Section 3000.1.

9 *(ii) Except as provided in Section 3064.5, for a crime committed*  
10 *on or after January 1, 2014, at the expiration of a term of*  
11 *imprisonment of one year and one day, or a term of imprisonment*  
12 *imposed pursuant to Section 1170 or at the expiration of a term*  
13 *reduced pursuant to Section 2931 or 2933, if applicable, the inmate*  
14 *shall be released on parole for a period not exceeding four years*  
15 *and not less than three years, except that any inmate sentenced*  
16 *for an offense specified in paragraph (3), (4), (5), (6), (11), or (18)*  
17 *of subdivision (c) of Section 667.5 shall be released on parole for*  
18 *a period not exceeding 10 years, unless a longer period of parole*  
19 *is specified in Section 3000.1.*

20 (B) For a crime committed on or after July 1, 2013, and prior  
21 to January 1, 2014, at the expiration of a term of imprisonment of  
22 one year and one day, or a term of imprisonment imposed pursuant  
23 to Section 1170 or at the expiration of a term reduced pursuant to  
24 Section 2931 or 2933, if applicable, the inmate shall be released  
25 on parole for a period of three years, except that any inmate  
26 sentenced for an offense specified in paragraph (3), (4), (5), (6),  
27 (11), or (18) of subdivision (c) of Section 667.5 shall be released  
28 on parole for a period of 10 years, unless a longer period of parole  
29 is specified in Section 3000.1.

30 (3) Notwithstanding paragraphs (1) and (2), in the case of any  
31 offense for which the inmate has received a life sentence pursuant  
32 to subdivision (b) of Section 209, with the intent to commit a  
33 specified sex offense, or Section 667.51, 667.61, or 667.71, the  
34 period of parole shall be 10 years, unless a longer period of parole  
35 is specified in Section 3000.1.

36 (4) (A) Notwithstanding paragraphs (1) to (3), inclusive, in the  
37 case of a person convicted of and required to register as a sex  
38 offender for the commission of an offense specified in Section  
39 261, 262, 264.1, 286, 288a, paragraph (1) of subdivision (b) of  
40 Section 288, Section 288.5, or 289, in which one or more of the

1 victims of the offense was a child under 14 years of age, the period  
2 of parole shall be 20 years and six months unless the board, for  
3 good cause, determines that the person will be retained on parole.  
4 The board shall make a written record of this determination and  
5 transmit a copy of it to the parolee.

6 (B) In the event of a retention on parole, the parolee shall be  
7 entitled to a review by the board each year thereafter.

8 (C) There shall be a board hearing consistent with the procedures  
9 set forth in Sections 3041.5 and 3041.7 within 12 months of the  
10 date of any revocation of parole to consider the release of the  
11 inmate on parole, and notwithstanding the provisions of paragraph  
12 (3) of subdivision (b) of Section 3041.5, there shall be annual  
13 parole consideration hearings thereafter, unless the person is  
14 released or otherwise ineligible for parole release. The panel or  
15 board shall release the person within one year of the date of the  
16 revocation unless it determines that the circumstances and gravity  
17 of the parole violation are such that consideration of the public  
18 safety requires a more lengthy period of incarceration or unless  
19 there is a new prison commitment following a conviction.

20 (D) The provisions of Section 3042 shall not apply to any  
21 hearing held pursuant to this subdivision.

22 (5) (A) The Board of Parole Hearings shall consider the request  
23 of any inmate whose commitment offense occurred prior to July  
24 1, 2013, *or on and after January 1, 2014*, regarding the length of  
25 his or her parole and the conditions thereof.

26 (B) For an inmate whose commitment offense occurred on or  
27 after July 1, 2013, *and before January 1, 2014*, except for those  
28 inmates described in Section 3000.1, the department shall consider  
29 the request of the inmate regarding the length of his or her parole  
30 and the conditions thereof. For those inmates described in Section  
31 3000.1, the Board of Parole Hearings shall consider the request of  
32 the inmate regarding the length of his or her parole and the  
33 conditions thereof.

34 (6) Upon successful completion of parole, or at the end of the  
35 maximum statutory period of parole specified for the inmate under  
36 paragraph (1), (2), (3), or (4), as the case may be, whichever is  
37 earlier, the inmate shall be discharged from custody. The date of  
38 the maximum statutory period of parole under this subdivision and  
39 paragraphs (1), (2), (3), and (4) shall be computed from the date  
40 of initial parole and shall be a period chronologically determined.

1 Time during which parole is suspended because the prisoner has  
2 absconded or has been returned to custody as a parole violator  
3 shall not be credited toward any period of parole unless the prisoner  
4 is found not guilty of the parole violation. However, the period of  
5 parole is subject to the following:

6 (A) Except as provided in ~~Section~~ *Sections 3064 and 3064.5*,  
7 in no case may a prisoner subject to three years on parole be  
8 retained under parole supervision or in custody for a period longer  
9 than four years from the date of his or her initial parole.

10 (B) Except as provided in ~~Section~~ *Sections 3064 and 3064.5*,  
11 in no case may a prisoner subject to five years on parole be retained  
12 under parole supervision or in custody for a period longer than  
13 seven years from the date of his or her initial parole.

14 (C) Except as provided in ~~Section~~ *Sections 3064 and 3064.5*,  
15 in no case may a prisoner subject to 10 years on parole be retained  
16 under parole supervision or in custody for a period longer than 15  
17 years from the date of his or her initial parole.

18 (7) The Department of Corrections and Rehabilitation shall meet  
19 with each inmate at least 30 days prior to his or her good time  
20 release date and shall provide, under guidelines specified by the  
21 parole authority or the department, whichever is applicable, the  
22 conditions of parole and the length of parole up to the maximum  
23 period of time provided by law. The inmate has the right to  
24 reconsideration of the length of parole and conditions thereof by  
25 the department or the parole authority, whichever is applicable.  
26 The Department of Corrections and Rehabilitation or the board  
27 may impose as a condition of parole that a prisoner make payments  
28 on the prisoner's outstanding restitution fines or orders imposed  
29 pursuant to subdivision (a) or (c) of Section 13967 of the  
30 Government Code, as operative prior to September 28, 1994, or  
31 subdivision (b) or (f) of Section 1202.4.

32 (8) For purposes of this chapter, and except as otherwise  
33 described in this section, the board shall be considered the parole  
34 authority.

35 (9) (A) On and after July 1, 2013, *and until January 1, 2014*,  
36 the sole authority to issue warrants for the return to actual custody  
37 of any state prisoner released on parole rests with the court pursuant  
38 to Section 1203.2, except for any escaped state prisoner or any  
39 state prisoner released prior to his or her scheduled release date  
40 who should be returned to custody, and Section 5054.1 shall apply.

(B) Notwithstanding subparagraph (A), any warrant issued by the Board of Parole Hearings prior to July 1, 2013, *or on and after January 1, 2014*, shall remain in full force and effect until the warrant is served or it is recalled by the board. All prisoners on parole arrested pursuant to a warrant issued by the board shall be subject to a review by the board prior to the department filing a petition with the court to revoke the parole of the petitioner.

(10) It is the intent of the Legislature that efforts be made with respect to persons who are subject to Section 290.011 who are on parole to engage them in treatment.

SEC. 2. Section 3000.08 of the Penal Code, as amended by Section 35 of Chapter 43 of the Statutes of 2012, is amended to read:

3000.08. (a) Persons released from state prison prior to ~~or on or after July 1, 2013~~ *January 1, 2014*, after serving a prison term or, whose sentence has been deemed served pursuant to Section 2900.5, for any of the following crimes shall be subject to parole supervision by the Department of Corrections and Rehabilitation and the jurisdiction of the court in the county where the parolee is released or resides for the purpose of hearing petitions to revoke parole and impose a term of custody:

(1) A serious felony as described in subdivision (c) of Section 1192.7.

(2) A violent felony as described in subdivision (c) of Section 667.5.

(3) A crime for which the person was sentenced pursuant to paragraph (2) of subdivision (e) of Section 667 or paragraph (2) of subdivision (c) of Section 1170.12.

(4) Any crime ~~where~~ *for which* the person eligible for release from prison is classified as a High Risk Sex Offender.

(5) Any crime ~~where~~ *for which* the person is required, as a condition of parole, to undergo treatment by the ~~State Department of Mental Health~~ *State Hospitals* pursuant to Section 2962.

~~(b) Notwithstanding any other provision of law, all other offenders released from prison shall be placed on postrelease supervision pursuant to Title 2.05 (commencing with Section 3450).~~

*(b) Notwithstanding any other law, all offenders released from prison on or after January 1, 2014, after serving a prison term or whose sentence has been deemed served pursuant to Section 2900.5*



1 *shall be subject to parole supervision by the Department of*  
 2 *Corrections and Rehabilitation and the Board of Parole Hearings*  
 3 *for a minimum period of three years, which may be extended by*  
 4 *up to one additional year for parole violations. The board shall*  
 5 *have exclusive jurisdiction over the supervision and revocation of*  
 6 *parole of all inmates upon their release from state prison or release*  
 7 *from custody after serving a term of imprisonment in state prison.*

8 (c) At any time during the period of parole of a person subject  
 9 to this section, if any parole agent or peace officer has probable  
 10 cause to believe that the parolee is violating any term or condition  
 11 of his or her parole, the agent or officer may, without warrant or  
 12 other process and at any time until the final disposition of the case,  
 13 arrest the person and bring him or her before the court *or the board,*  
 14 *as applicable,* or the court *or board* may, in its discretion, issue a  
 15 warrant for that person's arrest ~~pursuant to Section 1203.2.~~

16 (d) Upon review of the alleged violation and a finding of good  
 17 cause ~~that the~~ *a parolee who is subject to subdivision (a)* has  
 18 committed a violation of law or violated his or her conditions of  
 19 parole, the supervising parole agency may impose additional and  
 20 appropriate conditions of supervision, including rehabilitation and  
 21 treatment services and appropriate incentives for compliance, and  
 22 impose immediate, structured, and intermediate sanctions for parole  
 23 violations, including flash incarceration in a county jail. Periods  
 24 of "flash incarceration," as defined in subdivision (e) are  
 25 encouraged as one method of punishment for violations of a  
 26 parolee's conditions of parole. Nothing in this section is intended  
 27 to preclude referrals to a reentry court pursuant to Section 3015.

28 (e) "Flash incarceration" is a period of detention in county jail  
 29 due to a violation of a parolee's conditions of parole. The length  
 30 of the detention period can range between one and 10 consecutive  
 31 days. Shorter, but if necessary more frequent, periods of detention  
 32 for violations of a parolee's conditions of parole shall appropriately  
 33 punish a parolee while preventing the disruption in a work or home  
 34 establishment that typically arises from longer periods of detention.

35 (f) ~~If~~ *For parolees subject to subdivision (a), if* the supervising  
 36 parole agency has determined, following application of its  
 37 assessment processes, that intermediate sanctions up to and  
 38 including flash incarceration are not appropriate, the supervising  
 39 parole agency shall, pursuant to Section 1203.2, petition the court  
 40 in the county in which the parolee is being supervised to revoke

1 parole. At any point during the process initiated pursuant to this  
2 section, a parolee may waive, in writing, his or her right to counsel,  
3 admit the parole violation, waive a court hearing, and accept the  
4 proposed parole modification or revocation. The petition shall  
5 include a written report that contains additional information  
6 regarding the petition, including the relevant terms and conditions  
7 of parole, the circumstances of the alleged underlying violation,  
8 the history and background of the parolee, and any  
9 recommendations. The Judicial Council shall adopt forms and  
10 rules of court to establish uniform statewide procedures to  
11 implement this subdivision, including the minimum contents of  
12 supervision agency reports. Upon a finding that the person has  
13 violated the conditions of parole, the court shall have authority to  
14 do any of the following:

15 (1) Return the person to parole supervision with modifications  
16 of conditions, if appropriate, including a period of incarceration  
17 in county jail.

18 (2) Revoke parole and order the person to confinement in the  
19 county jail.

20 (3) Refer the person to a reentry court pursuant to Section 3015  
21 or other evidence-based program in the court's discretion.

22 (g) Confinement pursuant to paragraphs (1) and (2) of  
23 subdivision (f) shall not exceed a period of 180 days in the county  
24 jail.

25 (h) Notwithstanding any other provision of law, in any case  
26 where Section 3000.1 or paragraph (4) of subdivision (b) of Section  
27 3000 applies to a person who is on parole and the court determines  
28 that the person has committed a violation of law or violated his or  
29 her conditions of parole, the person on parole shall be remanded  
30 to the custody of the Department of Corrections and Rehabilitation  
31 and the jurisdiction of the Board of Parole Hearings for the purpose  
32 of future parole consideration.

33 (i) Notwithstanding subdivision (a), any of the following persons  
34 released from state prison shall be subject to the jurisdiction of,  
35 and parole supervision by, the Department of Corrections and  
36 Rehabilitation for a period of parole up to three years or the parole  
37 term the person was subject to at the time of the commission of  
38 the offense, whichever is greater:

39 (1) The person is required to register as a sex offender pursuant  
40 to Chapter 5.5 (commencing with Section 290) of Title 9 of Part

1 1, and was subject to a period of parole exceeding three years at  
2 the time he or she committed a felony for which they were  
3 convicted and subsequently sentenced to state prison.

4 (2) The person was subject to parole for life pursuant to Section  
5 3000.1 at the time of the commission of the offense that resulted  
6 in a conviction and state prison sentence.

7 (j) Parolees subject to this section who have a pending  
8 adjudication for a parole violation on July 1, 2013, shall be subject  
9 to the jurisdiction of the Board of Parole Hearings. Parole  
10 revocation proceedings conducted by the Board of Parole Hearings  
11 prior to July 1, 2013, if reopened on or after July 1, 2013, shall be  
12 subject to the jurisdiction of the Board of Parole Hearings.

13 (k) Except as described in subdivision (c), any person who is  
14 convicted of a felony that requires community supervision and  
15 who still has a period of state parole to serve shall discharge from  
16 state parole at the time of release to community supervision.

17 (l) This section shall become operative on July 1, 2013.

18 SEC. 3. Section 3044 of the Penal Code is amended to read:

19 3044. (a) Notwithstanding any other law, the Board of Parole  
20 Hearings or its successor in interest shall be the state's parole  
21 authority and shall be responsible for protecting victims' rights in  
22 the parole process. Accordingly, to protect a victim from  
23 harassment and abuse during the parole process, no person paroled  
24 from a California correctional facility following incarceration for  
25 an offense committed on or after the effective date of this act shall,  
26 in the event his or her parole is revoked, be entitled to procedural  
27 rights other than the following:

28 (1) A parolee shall be entitled to a probable cause hearing no  
29 later than 15 days following his or her arrest for violation of parole.

30 (2) A parolee shall be entitled to an evidentiary revocation  
31 hearing no later than 45 days following his or her arrest for  
32 violation of parole.

33 (3) A parolee shall, upon request, be entitled to counsel at state  
34 expense only if, considering the request on a case-by-case basis,  
35 the board or its hearing officers determine:

36 (A) The parolee is indigent; and

37 (B) Considering the complexity of the charges, the defense, or  
38 because the parolee's mental or educational capacity, he or she  
39 appears incapable of speaking effectively in his or her own defense.

1 (4) In the event the parolee's request for counsel, which shall  
2 be considered on a case-by-case basis, is denied, the grounds for  
3 denial shall be stated succinctly in the record.

4 (5) Parole revocation determinations shall be based upon a  
5 preponderance of evidence admitted at hearings including  
6 documentary evidence, direct testimony, or hearsay evidence  
7 offered by parole agents, peace officers, or a victim.

8 (6) Admission of the recorded or hearsay statement of a victim  
9 or percipient witness shall not be construed to create a right to  
10 confront the witness at the hearing.

11 (b) The board is entrusted with the safety of victims and the  
12 public and shall make its determination fairly, independently, and  
13 without bias and shall not be influenced by or weigh the state cost  
14 or burden associated with just decisions. The board must  
15 accordingly enjoy sufficient autonomy to conduct unbiased  
16 hearings, ~~and~~ maintain an independent legal and administrative  
17 staff, *and protect the rights of crime victims*. The board shall report  
18 to the Governor.

19 SEC. 4. Section 3064.5 is added to the Penal Code, to read:

20 3064.5. No person may be discharged from parole without first  
21 completing 12 consecutive months of supervision without a parole  
22 violation or arrest on new criminal charges. No person may be  
23 discharged from parole while incarcerated or if his or her  
24 whereabouts are unknown.

25 SEC. 5. Section 3069.7 is added to the Penal Code, to read:

26 3069.7. (a) The Department of Corrections and Rehabilitation  
27 shall develop a minimum of three parole violator adjustment and  
28 rehabilitation facilities. The facilities shall be designed for the  
29 secure incarceration, evaluation, treatment, and rehabilitation of  
30 offenders who have violated the conditions of their parole.

31 (b) Parolees who violate the conditions of parole shall be  
32 sentenced up to one year in a parole violator adjustment and  
33 rehabilitation facility.

34 (1) Violations that are drug related, and do not involve an  
35 offense that could be charged as a violent felony, as defined in  
36 subdivision (c) of Section 667.5, a serious felony, as defined in  
37 subdivision (c) of Section 1192.7, or that would require registration  
38 as a sex offender pursuant to Section 290, shall be served in a  
39 parole violator adjustment and rehabilitation facility on nonrevoked  
40 status, if the parolee agrees to submit to drug treatment. A violation

1 pursuant to this paragraph shall result in the parolee serving at  
2 least six months in a parole violator adjustment and rehabilitation  
3 facility, and thereafter the parolee shall be required to enter a  
4 residential treatment program in the community as recommended  
5 in a treatment plan by a contracted drug treatment provider.

6 (2) All other parole violations not described in paragraph (1)  
7 shall result in the parolee serving the rest of his or her term in a  
8 parole violator adjustment and rehabilitation facility on revoked  
9 status. A specific treatment and programming plan shall be  
10 developed for each parole violator.

11 (c) Except as otherwise provided by law, parole violators shall  
12 not be sent to prison for a parole violation unless they are convicted  
13 of a new qualifying offense.

14 SEC. 6. Section 3451 of the Penal Code is amended to read:

15 3451. (a) Notwithstanding any other law and except for persons  
16 serving a prison term for any crime described in subdivision (b),  
17 all persons released from prison on and after October 1, 2011, *and*  
18 *before January 1, 2014*, or, whose sentence has been deemed  
19 served pursuant to Section 2900.5 after serving a prison term for  
20 a felony shall, upon release from prison and for a period not  
21 exceeding three years immediately following release, be subject  
22 to community supervision provided by a county agency designated  
23 by each county's board of supervisors which is consistent with  
24 evidence-based practices, including, but not limited to, supervision  
25 policies, procedures, programs, and practices demonstrated by  
26 scientific research to reduce recidivism among individuals under  
27 postrelease supervision.

28 (b) This section shall not apply to any person released from  
29 prison after having served a prison term for any of the following:

30 (1) A serious felony described in subdivision (c) of Section  
31 1192.7.

32 (2) A violent felony described in subdivision (c) of Section  
33 667.5.

34 (3) A crime for which the person was sentenced pursuant to  
35 paragraph (2) of subdivision (e) of Section 667 or paragraph (2)  
36 of subdivision (c) of Section 1170.12.

37 (4) Any crime ~~where~~ *for which* the person eligible for release  
38 from prison is classified as a High Risk Sex Offender.

1 (5) Any crime—~~where~~ *for which* the person is required, as a  
2 condition of parole, to undergo treatment by the State Department  
3 of State Hospitals pursuant to Section 2962.

4 (c) (1) Postrelease supervision under this title shall be  
5 implemented by a county agency according to a postrelease strategy  
6 designated by each county's board of supervisors.

7 (2) The Department of Corrections and Rehabilitation shall  
8 inform every prisoner subject to the provisions of this title, upon  
9 release from state prison, of the requirements of this title and of  
10 his or her responsibility to report to the county agency responsible  
11 for serving that inmate. The department shall also inform ~~persons~~  
12 *a person* serving a term of parole for a felony offense who ~~are~~ *is*  
13 subject to this section of the requirements of this title and of his  
14 or her responsibility to report to the county agency responsible for  
15 serving that parolee. Thirty days prior to the release of any person  
16 subject to postrelease supervision by a county, the department shall  
17 notify the county of all information that would otherwise be  
18 required for parolees under subdivision (e) of Section 3003.